

recite that "each time-based queue is set to dequeue its contents at a separate time." See, for example, page 2, line 21 - page 3, line 2; and page 5, line 24 - page 6, line 10 of the present specification. Nardin fails to teach or suggest the above-identified features recited in claims 1, 12, 15, 25, 28, and 30.

The Examiner asserts that Nardin's FIFO buffers 212, 214, 216 and 218 correspond to the claimed time-based queue. Applicants respectfully dispute this assertion for the following reasons.

First, Nardin fails to teach or suggest dequeuing its contents "at a separate time." During the above-identified interview, the Examiner asserted that Nardin's prioritized FIFOs 212, 214, 216 and 218 dequeue the contents "at a separate time." According to Nardin, input cells are routed to one of the FIFO buffers by the state machine 222 (column 6, lines 15-20). The server 226 retrieves the output from the QMS 206 and forwards it to the cell framer/deframer unit 230 (column 6, lines 24-29). However, nothing in Nardin suggests that the server 226 controls the FIFOs so that the FIFOs dequeue their contents actually at separate times, much less times that are set. Accordingly, Nardin fails to teach or suggest the claimed feature. It is entirely possible that the server 226, which controls dequeuing, would allow two or more of the buffers to dequeue at the same - depending on bandwidth availability in the network. Certainly, nothing in Nardin suggests that each of its queues is set to dequeue at "at a separate time."

Secondly, Nardin fails to teach or suggest "dequeuing its contents" as recited in the claims. The claim requires "dequeuing its contents," not a packet, a cell or some other fraction of its contents. It is respectfully submitted that those of skill in the art would understand that the time-based queue dequeues "its contents," not "a part of its contents."

By contrast, no one of Nardin's buffers will dequeue "its contents at a separate time." This is because Nardin employs FIFOs, which typically dequeue contents in increments. Further to effect the user configured delay times desired by Nardin, its FIFOs should always maintain some contents in order to deliberately introduce queuing delays (e.g., column 7, lines 30-42). If Nardin's FIFO dequeued its contents, Nardin would not enjoy its stated advantage of compensating for the bursty nature of High Priority traffic (e.g., column 7, lines 30-42). Thus, Nardin fails to teach or suggest the claimed feature in this respect, too.

It is also worth mentioning that each FIFO buffer in Nardin dequeues a part of its contents in a sequential manner when that part reaches the end of the FIFO. Although the queue size may be configurable (column 8, lines 26-32), Nardin's unit 220 is not capable of setting a specific dequeuing time as required by the claims. Setting the queuing delay by varying the queue size of the FIFO (e.g., column 7, lines 43-57) does not anticipate the claimed feature that each time-based queue is set to dequeue its contents at a separate time because mere setting the

queuing delays does not enable the user to precisely setting the specific dequeuing timing. This is another reason why Nardin fails to teach or suggest use of the time-based queue of the claimed invention.

For at least the reasons set forth above, Nardin cannot be said to anticipate the present invention defined in claims 1, 12, 15, 25, 28, and 30. Claims 2-8, 10, 11, 13, 14, 16-19, 21-24, 26-27, and 29 dependent directly or indirectly from claims 1, 12, 15, and 25 are also believed to be allowable for at least the reasons set forth above in connection with claims 1, 12, 15, 25, 28, and 30. Withdrawal of the rejection is respectfully requested.

## II. REJECTIONS OF CLAIMS 9, 20 AND 29 UNDER 35 U.S.C. § 103

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nardin in view of U.S. Patent No. 6,247,061 ("Douceur"). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nardin in view of U.S. Patent No. 6,259,699 ("Opalka"). Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nardin in view of U.S. Patent No. 4,435,753 ("Rizzi"). Since none of the cited references disclose or suggest a time based queue as claimed and discussed above, and because claims 9, 20 and 29 depend either directly or indirectly from claims 1 or 15, claims 9, 20, and 29 are believed to be allowable for at least the reasons set forth in connection with claims 1 and 15.

None of Douceur, Opalka and Rizzi cures the deficiencies of Nardin. Specifically, neither reference suggests a plurality of time-based queues that are each "set to dequeue its contents at a separate time" as recited in claim 1.

Further, Rizzi fails to teach or suggest the features of claim 29, i.e., "each time-based queue dequeues its entire contents at its separate time for dequeuing." The Examiner specifically cited column 7, lines 41-42, and column 10, lines 58-61 of Rizzi. However, these portions of Rizzi are completely silent on dequeuing entire contents of a time-based queue. The former (column 7, lines 41-42) merely describes dequeuing a register request from a list (not dequeuing all such register requests from queue). The latter (column 10, lines 58-61) indicates that the complete set pointer 24 contains a value to force "serviceing the entire remaining queue 92." Servicing the entire remaining queue does not constitute dequeuing the entire remaining queue. Further, Rizzi makes clear that it does not dequeue its entire contents as required by the claims. At column 10, lines 61-62, Rizzi indicates the queue 92 dequeues only "the top element from the queue." Nothing in Rizzi suggests dequeuing the entire contents of a time-based queue. Rather, Rizzi's queue is functioning as a conventional FIFO where only the top element among a plurality of pending register requests is dequeued while the register assigner 66 services (e.g.,

column 10, lines 61-62). Thus, Rizzi fails to teach or suggest the features of claim 29. Withdrawal of the rejection is respectfully requested.

### III. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully requests a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-843-6200.

Respectfully submitted,  
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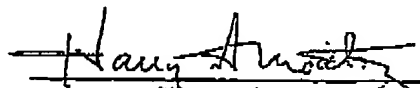
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